

The City Council met in regular session at the hour of 8:32 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Brian Calhoun	Councilmember
	Brad Castillo	Acting Council President
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Henry Perea	Councilmember
	Cynthia Sterling	Councilmember
	Tom Boyajian	Council President

Dan Hobbs, City Manager
Andy Souza, Assistant City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Vicar Ryan Reese, Peace Lutheran Church, gave the invocation, and Councilmember Sterling led the Pledge of Allegiance to the Flag.

PROCLAMATION OF FRESNO FUEGO DAY - COUNCILMEMBER DAGES

PROCLAMATION OF THE 50TH ANNIVERSARY OF THE FRESNO PHILHARMONIC - MAYOR AUTRY

The above proclamations were read and presented.

- - - -

City Manager Hobbs introduced and welcomed new Fire Chief Randy Bruegman, and Chief Bruegman stated it was an honor to be here, he was ready to move forward with Fresno's fire service issues, and he was happy to be part of the city team.

- - - -

APPROVE MINUTES OF AUGUST 19 AND 26, 2003

On motion of Councilmember Dages, seconded by Acting President Castillo, duly carried, RESOLVED, the minutes of August 19 and 26, 2003, approved as submitted.

- - - -

COUNCILMEMBER REPORTS AND COMMENTS:

(1) REQUEST FOR STATUS ON BOARDS AND COMMISSIONS UPDATE; (2) RESPONSE TO GRAND JURY REPORT, AND (3) FIRE VS. POLICE DEPARTMENT BASEBALL GAME ON 9/11/03 AT THE DOWNTOWN STADIUM TO BENEFIT THE MAKE A WISH FOUNDATION - COUNCILMEMBER DAGES

City Clerk Klisch gave a brief status report on the boards and commissions; City Manager Hobbs stated staff was responding to the Grand Jury report and the matter would be coming before Council as an agenda item; and Councilmember Dages spoke to the success of the fire and police baseball game and commended Diane Dyer of the police department and everyone else involved for all their work on the event.

DIRECT STAFF TO SCHEDULE THE ISSUE OF WATER METERS, AND ALL RELATED MATTERS, ON THE AGENDA IN THREE WEEKS - ACTING PRESIDENT CASTILLO

Direction made.

- - - -

APPROVE AGENDA:

(10:00 A.M. #2) HEARING ON REZONE APPLICATION NO. R-03-37 AND ENVIRONMENTAL FINDINGS, FILED BY JEFFREY WALL, PROPERTY LOCATED ON THE WEST SIDE OF N. WINERY BETWEEN E. HARVARD AND E. CLINTON (DISTRICT 4)

1. CONSIDER AND ADOPT E.A. NO. R-03-37, FINDING OF CONFORMANCE WITH THE 2025 FRESNO GENERAL PLAN MASTER EIR NO. 10130
2. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM R-1-AH (COUNTY) TO R-1
(REQUEST TO CONTINUE TO SEPTEMBER 30, 2003, AT 10:15 A.M.)

City Clerk Klisch corrected the title to "REFER BACK TO STAFF FOR RE-NOTICING" instead of "*continue to September 30, 2003*". So noted.

(2-A) AWARD A CONTRACT TO JEFFREY/SCOTT ADVERTISING OF FRESNO FOR PROFESSIONAL PUBLIC INFORMATION SERVICES FOR THE DEPARTMENT OF PUBLIC UTILITIES(REBID)

Acting President Castillo requested the item be set at a time certain in the afternoon, brief discussion ensued on the tight agenda schedule and ability to fit the matter in, whereupon the matter was left as is. (*Note - later in the meeting a vote was taken and the item was set for 5:00 p.m.)

(10:50 A.M.) HEARING ON REZONE APPLICATION NO. R-02-038 AND ENVIRONMENTAL FINDINGS, FILED BY DIRK POESCHEL ON BEHALF OF JOHN ASHLEY, PROPERTY LOCATED NORTH OF W. BARSTOW AVENUE EAST OF N. BRAWLEY AND SOUTH OF THE BURLINGTON NORTHERN/SANTA FE RAIL LINE (DISTRICT 2)

1. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. R-02-038
2. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM R-A TO R-2

Upon question of Councilmember Calhoun, City Attorney Montoy and Development & Planning Director Yovino confirmed staff was requesting additional time and for the matter to be continued one week. By Council consensus the matter was scheduled for September 23, 2003, at 5:15 p.m.

(4:30 P.M.) CONSIDERATION AND ACTION ON COUNCIL RELATIONS MATTERS - PRESIDENT BOYAJIAN

1. RESOLUTION - ESTABLISHING A POLICY THAT COUNCIL MEMBERS CONDUCT THEMSELVES WITH DUE REGARD, FAIRNESS AND RESPECT FOR THE RIGHTS AND BACKGROUNDS OF ALL CITY RESIDENTS AND THE PUBLIC
2. RESOLUTION - EXPRESSING DISAPPROVAL OF CERTAIN E-MAIL COMMENTS
3. AUTHORIZING THE COUNCIL PRESIDENT TO ARRANGE FOR A FORUM (WORKSHOP, TRAINING) TO ASSIST THE COUNCIL ON EFFECTIVE LEADERSHIP AND COLLABORATION
4. DIRECT THE CITY ATTORNEY TO DRAFT A CODE OF CONDUCT

Councilmember Dages made a motion to remove the item from the agenda. Upon question of Acting President Castillo, Councilmember Dages clarified he wanted to remove the item this date adding he could not prevent any council member from scheduling it again in the future.

A motion of Councilmember Dages, seconded by Councilmember Calhoun, to remove the 4:30 p.m. item from the agenda this date failed, by the following vote:

Ayes	:	Calhoun, Dages, Duncan
Noes	:	Castillo, Perea, Sterling, Boyajian
Absent	:	None

On motion of Acting President Castillo, seconded by Councilmember Sterling, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes : Calhoun, Castillo, Perea, Sterling, Boyajian
 Noes : Dages, Duncan
 Absent : None

- - - -

ADOPT CONSENT CALENDAR:

Barbara Hunt, 2475 S. Walnut, spoke in opposition to item **1-G** stating housing money should not be used for code enforcement equipment, to **1-I** stating she hoped the “International” Union of Operating Engineers was not interfering with city employees, and to item **1-K** questioning what the agreement was and how the Council could take action on a “County agreement”.

(1-A) APPROVE THE PURCHASE OF A STREET EASEMENT FROM U.S. TRUST COMPANY FOR THE STREET WIDENING PROJECT AT SHAW AND WEST AVENUES IN THE AMOUNT OF \$48,716.80; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR ASSISTANT DIRECTOR TO EXECUTE ALL APPROPRIATE DOCUMENTS TO COMPLETE THE TRANSACTION

(1-B) RESOLUTION NO. 2003-278 - APPROVING THE SUMMARY VACATION OF A PUBLIC UTILITY EASEMENT ON THE WEST SIDE OF CEDAR AVENUE BETWEEN SHIELDS AVENUE AND FOUNTAIN WAY

(1-C) APPROVE THE ACQUISITION OF STREET EASEMENTS FROM FRESNO COMMUNITY HOSPITAL AND MEDICAL CENTER FROM PROPERTY AT THE SOUTHWEST CORNER OF FRESNO AND “R” STREETS AND SOUTHEAST CORNER OF FRESNO STREET AND MADDY WAY; AND AUTHORIZE THE ASSISTANT PUBLIC WORKS DIRECTOR TO ACCEPT THE DEED OF EASEMENTS AND EXECUTE ALL DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION

(1-D) RESOLUTION NO. 2003-279 - INTENT TO ANNEX FINAL TRACT NOS. 4831, 5107 AND 5134 TO CITY OF FRESNO COMMUNITY FACILITIES DISTRICT (CFD) NO. 2

(1-E) AUTHORIZE THE RENEWAL OF A LEASE AGREEMENT WITH THE THOMAS-DAVIES FAMILY PARTNERSHIP FOR THE NORTHWEST POLICING DISTRICT STATION

(1-F) APPROVE AN AGREEMENT WITH THE FRESNO COUNTY DISTRICT ATTORNEY’S OFFICE TO PROVIDE LEGAL SERVICES FOR THE TOBACCO GRANT

1. RESOLUTION NO. 2003-280 - APPROVING REVISIONS TO CALIFORNIA DEPARTMENT OF HEALTH SERVICES LOCAL ENFORCEMENT OF TOBACCO CONTROL LAWS GRANT NO. 01-16102-a01 AND AUTHORIZING EXECUTION OF DOCUMENTS

2. RESOLUTION NO. 2003-281 - 21ST AMENDMENT TO AAR 2003-209 APPROPRIATING \$70,700 FOR THE TOBACCO ENFORCEMENT GRANT

(1-G) RESOLUTION NO. 2003-282 - 25TH AMENDMENT TO AAR 2003-209 APPROPRIATING \$205,000 IN STATE GRANT FUNDS FROM THE STATE OF CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT TO PURCHASE CODE ENFORCEMENT EQUIPMENT

(1-H) RESOLUTION NO. 2003-283 - 20TH AMENDMENT TO AAR 2003-209 APPROPRIATING \$8,500 IN GRANT FUNDS FROM THE STATE OFFICE OF HISTORIC PRESERVATION AND AUTHORIZE THE ASSISTANT CITY MANAGER TO EXECUTE THE GRANT DOCUMENTS

Councilmember Calhoun commended staff on competing for and getting the grant noting no other city in the valley was successful in obtaining the grant, and spoke briefly to how the grant funds would be used.

(1-J) RESOLUTION NO. 2003-284 - 24TH AMENDMENT TO AAR 2003-209 APPROPRIATING THE FEDERAL RECREATION TRAILS PROGRAM GRANT FOR \$155,900 TO COMPLETE CONSTRUCTION OF THE MacMICHAEL LOOP TRAIL IN THE JENSEN RIVER RANCH ADJACENT TO WOODWARD PARK

(1-K) APPROVE RENEWAL OF AGREEMENT WITH THE FRESNO COUNTY INTERAGENCY COUNCIL FOR CHILDREN AND FAMILIES (ICCF) AGREEMENT AND APPROVE \$11,010.18 AS THE CITY'S SHARE AS A SPONSORING MEMBER

(1-L) RESOLUTION NO. 2003 -285 - APPROVING THE FINAL MAP OF TRACT NO. 4701, PROPERTY LOCATED ON THE WEST SIDE OF N. BRAWLEY BETWEEN W. DAKOTA AND W. SHIELDS AVENUES, AND ACCEPTING DEDICATED PUBLIC USES THEREIN

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE

2. AUTHORIZE THE PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN, AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR FRONT YARD TREES

On motion of Acting President Castillo, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

- - - -

The City Council recessed at 9:14 a.m. and convened in joint session with the Redevelopment Agency.

(8:30 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

APPROVE AGENCY MINUTES OF AUGUST 19 AND 26, 2003

On motion of Councilmember Sterling, seconded by Councilmember Perea, duly carried, RESOLVED, the Agency minutes of August 19 and 26, 2003, approved as submitted.

(“A”) JOINT RESOLUTION NO. 2003-286 /1638 - CONDITIONALLY ALLOCATING UP TO \$900,000 IN FY 2003-2004 HOME PROGRAM FUNDS WITH A TWELVE-MONTH DURATION TO AN AFFORDABLE HOUSING PROJECT LOCATED AT 1807 BROADWAY IN DOWNTOWN FRESNO PENDING NEGOTIATION AND RETURN TO AGENCY/COUNCIL OF A HOME PROGRAM FUNDING AGREEMENT FOR THE PROJECT

HCD Project Manager Sigala reviewed the issue as contained in the staff report as submitted.

Speaking to the issue were: Jeff Roberts, representing Granville Homes, who urged approval; and Barbara Hunt, 2475 S. Walnut, who spoke to the need to insure the community has an equal chance to rent the homes **(2 - 0)**.

Agency Director Fitzpatrick, Planning & Development Director Yovino and City Attorney Montoy clarified issues and/or responded to questions/comments of Acting President Castillo, Councilmember Dages, President Boyajian and Councilmember Perea relative to whether the subject funds had been earmarked for the Cornerstone project or any other project, if there was a developer for the Cornerstone project, if Cornerstone understood what was happening here, desire to talk with Cornerstone before taking this action, Ms. Montoy and Mr. Yovino clarifying this was a proposal in concept and talks with Cornerstone could still occur if the resolution is approved, why the Cornerstone project has taken so long, if the allocated funds for Self-Help were still intact, if there was a timeline for this project, need to award the project to a developer who can do the most for the area, what will happen to the funds if the resolution is not approved, what the \$900,000 will buy for the city, and what style of housing was being proposed.

On motion of Councilmember Sterling, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled Joint Resolution No. 2003-286/1638 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Dages, Perea, Sterling, Duncan
 Noes : None
 Absent : None

The joint bodies adjourned their meeting at 9:33 a.m. and the City Council reconvened in regular session.

(9:00 A.M.) DISCUSSION ON UNEMPLOYMENT REPORT AND CONSIDER ADOPTION OF REPORT RECOMMENDATIONS TO COUNCIL - COUNCILMEMBER CALHOUN

Councilmember Calhoun reviewed at length the history of the issue, the letter that was sent to all Federal and State elected officials and agencies servicing/representing the city, the Council Committee that was appointed including their undertakings and meetings with the City's Economic Development Department, the Redevelopment Agency and the Economic Development Corporation (EDC), reviewed the committees' recommendations, all as contained in Committee Chair/Councilmember Calhoun's report as submitted, and made a motion to approve the recommendations, which motion was seconded and acted upon after further discussion. Committee Member/Acting President Castillo spoke to the importance of Council being included and providing input, further to the meetings that were held and what came out of those meetings, and to the issue of accountability.

Speaking to the issue were: Barbara Hunt, 2475 S. Walnut; Doug Davidian, EDC Chairman of the Board and business owner; Economic Development Director Burkhardt; and Agency Director Fitzpatrick.

At this point proceedings were interrupted to attend to the scheduled 10:00 A.M. #1 item.

**(10:00 A.M. #1) PROCLAMATION OF MEXICAN INDEPENDENCE DAY - MAYOR AND CITY COUNCIL
 1. FLAG RAISING CEREMONY AND RECEPTION IMMEDIATELY FOLLOWING**

The proclamation was presented and the Flag raising ceremony and reception was held.

(9:00 A.M.) DISCUSSION ON UNEMPLOYMENT REPORT AND CONSIDER ADOPTION OF REPORT RECOMMENDATIONS TO COUNCIL - COUNCILMEMBER CALHOUN

Proceedings continued. Councilmembers Duncan and Dages commended the committee for all their work, spoke in support of the recommendations and to the need to incorporate the recommendations into the City's response to the Regional Jobs Initiative (RJI) plan so they don't get lost, frustration was expressed with plans taking forever or not being accomplished, and Councilmember Dages spoke to the need to determine the percentage of unemployable people in Fresno county.

(3 - 0) City Manager Hobbs stated the good news from this report was economic development was the "hot topic"; spoke to the need for role definition and coordination among the players, distributing a matrix to illustrate; spoke to effective strategies and stated he saw the RJI as the ones to put real workable strategies on the table and added the administration would do all it could to support the RJI recommendations as they were very specific and hard-hitting; and commended the Council Committee stating their recommendations were doable and the administration would support them.

Acting President Castillo responded to Councilmember Dages' comment on the level of unemployable and advised 70% of workers tested for drugs do not pass the drug test, stated sobering up the workforce was a problem that needed to be tackled and advised he met with UC Merced to partner with them to teach people to become sober and elaborated, and advised the unemployment emergency resolution was sent to the Office of Veterans Affairs and carried a lot of weight in Fresno getting the veterans home. Councilmember Perea commended the committee, spoke in support of the report and the defining of roles, stated he would support the recommendations and presented questions relative to who would monitor the follow-through, the private sector investment capital fund and what types of discussions have taken place, and who would be best in the private sector to lead that charge, with Councilmember Calhoun, Mr. Davidian and Mr. Fitzpatrick responding. President Boyajian commended Councilmember Calhoun and stated the task force would do well, emphasized Council was passionate for jobs, and stated the report and recommendations were a good start.

On motion of Councilmember Calhoun, seconded by Acting President Castillo, duly carried, RESOLVED, the Council Committee report recommendations hereby approved, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
 Noes : None
 Absent : None

- - - -

(2-A) AWARD A CONTRACT TO JEFFREY/SCOTT ADVERTISING OF FRESNO FOR PROFESSIONAL PUBLIC INFORMATION SERVICES FOR THE DEPARTMENT OF PUBLIC UTILITIES (REBID)

Brief discussion ensued on the tight agenda schedule amount of time needed for certain items whereupon the following action was taken.

On motion of Acting President Castillo, seconded by Councilmember Perea, duly carried, RESOLVED, Item **2-A** set for 5:00 p.m. this date for citizen convenience, by the following vote:

Ayes : Calhoun, Castillo, Perea, Sterling, Boyajian
 Noes : Dages, Duncan
 Absent : None

- - - -

(9:45 A.M.) CONTINUED HEARING ON REQUEST TO CHANGE STREET NAME OF WEST ACALA TO WEST ALLUVIAL AVENUE (DISTRICT 2)

1. RESOLUTION NO. 2003-287 - APPROVING STREET NAME CHANGE NO. SNC-02-01, W. ACALA TO W. ALLUVIAL AVENUE, AS AMENDED

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Planner Allinder reviewed the issue as contained in the staff report as submitted and recommended approval.

Mehmet Noyan, Developer, Palm Bluffs Corporate Center, on behalf of owner Calcot Ltd., stated the name change made sense and explained and urged support.

City Clerk Klisch advised staff submitted a corrected resolution and Planner Allinder explained the change related to the format only and there were no substantive changes to the content.

Barbara Hunt, spoke in opposition to the name change. Acting President Castillo left the dais at 11:08 a.m.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution no. 2003-287 hereby adopted, *as amended*, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
 Noes : None
 Absent : None

- - - -

(10:15 A.M. #3) HEARING ON PLAN AMENDMENT NO. A-02-001 AND ENVIRONMENTAL FINDINGS, FILED BY VITTORIO AND SANDRA DiCICCO, PROPERTY LOCATED AT THE NORTHWEST CORNER OF E. VENTURA AVENUE AND S. THIRD

1. CONSIDER AND ADOPT THE MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-02-001/C-03-133

2. **RESOLUTION NO. 2003-288** - AMENDING THE 2025 FRESNO GENERAL PLAN AND THE ROOSEVELT COMMUNITY PLAN FROM OFFICE COMMERCIAL TO THE GENERAL COMMERCIAL PLANNED LAND USE DESIGNATION

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Planner Beedle reviewed the issue as contained in the staff report as submitted, recommended approval, and responded to questions/comments of Councilmember Dages relative to timeline for completion and need to insure the landscaping is done properly.

Upon call, no one wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Dages, seconded by Councilmember Perea, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for Environmental Assessment No. A-02-001/C-03-133, dated July 28, 2003, hereby approved, and the above entitled Resolution No. 2003-288 hereby adopted, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

- - - -

(10:30 A.M.) HEARING ON REZONE APPLICATION NO. R-03-28 AND ENVIRONMENTAL FINDINGS, FILED BY LENNAR HOMES, INC., PROPERTY LOCATED ON THE EAST SIDE OF N. CORNELIA AVENUE BETWEEN W. SHIELDS AND W. CLINTON AVENUES (DISTRICT 1)

1. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-03-028/T-4544, FINDING OF CONFORMANCE WITH THE 2025 FRESNO GENERAL PLAN MASTER EIR NO. 10130

2. **BILL** - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM R-R/COUNTY TO R-1/UGM

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Planner Braun reviewed the issue as contained in the staff report as submitted.

Speaking to the issue were: Jim Tsuruoka, Yamabe and Horn, representing the applicant, who stated they concurred with staff's recommendation and were in agreement with the solid wall; and Barbra Hunt, 2475 S. Walnut, who questioned how Council could rezone county property.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

President Boyajian expressed strong concerns with the lack of a plan for the west area and to the project's impacts (traffic/roads, schools) to the area and elaborated. Councilmember Calhoun stated he reviewed the project closely and it was a good project, emphasized there would be impacts with all development, and made a motion to approve staff's recommendation.

President Boyajian, Assistant City Manager Souza and Planning & Development Director Yovino responded to questions/comments of Councilmember Perea relative to whether the West Area Advisory Committee supported the project, being sensitive to neighbors' concerns, and President Boyajian commented further on the impacts and what needs to be done, with Mr. Yovino responding and explaining why staff supported the project with conditions.

A motion of Councilmember Calhoun, seconded by Councilmember Duncan, to approve staff's recommendation as outlined in the staff report failed, by the following vote:

Ayes	:	Calhoun, Dages, Duncan
Noes	:	Castillo, Perea, Sterling, Boyajian

Absent : None

142-92

9/16/03

(10:55 A.M.) CONSIDERATION OF APPLICATION SUBMITTED BY ELAINE R. LONG FOR A CARD ROOM POINTHOLDER PERMIT FOR CLUB ONE CASINO

Assistant City Manager Souza reviewed the issue as contained in the staff report as submitted and recommended the application request be denied.

Speaking to the issue were: Attorney Judith Soley, 906 N Street, #115, representing Mrs. Long, in support of approving the application; Attorney Myron Smith, representing the seller of the stock, support of the application and who spoke to/clarified the staff referenced correspondence from the State to Mr. and Mrs. Long relative to the stock **(4 - 0)**; Barbara Hunt, 2475 S. Walnut, support for the application; and Police Det. Richard Danisi, opposed to the application and who spoke to the investigation and conversations with the State of California.

Councilmember Duncan stated the second paragraph of the executive summary in the staff report was quite explicit and detailed and made it clear why this application should be denied and made a motion to deny.

Councilmember Calhoun noted the attorney's presentations made it sound to him like the State was leaving this matter up to the City and they didn't care, and questioned if the attorney(s) at any time asked the State about Mrs. Long's position, if this was the first time this type of issue has come up, and if the State would pre-empt the City's decision, with Ms. Soley and Mr. Souza responding. Councilmember Calhoun stated he was willing to approve the application and let it move forward to the State. Councilmember Sterling noted the State would make a determination after the City does, questioned what questions the police department asked the State in their investigation, Det. Danisi stated Council needed to weigh-in the State bringing the State code section to the police department's attention, continued questions on whether the police investigation found anything on Mrs. Long that would prohibit her from being granted the application, if Mr. Long realized the severity of what was at issue and how Mrs. Long would be scrutinized on her use of funds, and what the penalty would be for any violation, with Det. Danisi, Mr. Smith and Ms. Soley responding. Councilmember Sterling stated she also felt comfortable in letting the application go to the State.

Councilmember Dages seconded the motion on the floor.

Mr. Souza clarified the letter referenced in the staff report and by Mr. Smith was not addressed to Mr. Long or Mr. Smith and it was erroneous of Mr. Smith to imply that it did not exist because he did not have it; read a portion of the September 29, 2002, letter addressed to Attorney Cooper (Ms. Long's attorney at that time); acknowledged Ms. Long and her attorneys worked hard and diligently to bifurcate the situation but stated the issue staff was grappling with was how do you separate an indirect interest of a married couple; and advised the State uses specifically different criterion for approving the permits than the City does and explained.

Mr. Souza, Chief Assistant City Attorney Sanchez, and Mr. Smith responded to questions and/or comments of Councilmember Perea and President Boyajian relative to whether staff had anything in writing from the State implying they will deny the application, why Council action was needed when the State had the final say, Mr. Sanchez advising of the findings to be made to grant the application, the different letters received by the different parties, and need to look at the stability of Club One to allow the city to continue to receive revenues.

A motion of Councilmember Duncan, seconded by Councilmember Dages, to deny the application submitted by Elaine R. Long for a Card Room Pointholder Permit for Club One failed, by the following vote:

Ayes : Dages, Duncan
Noes : Calhoun, Castillo, Perea, Sterling, Boyajian
Absent : None

On motion of Acting President Castillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, the application submitted by Elaine R. Long for a Card Room Pointholder Permit for Club One hereby approved, by the following vote:

Ayes : Calhoun, Castillo, Perea, Sterling, Boyajian

Noes : Dages, Duncan
Absent : None

- - - -

142-93

9/16/03

LUNCH RECESS - 12:10 P.M. - 2:10 P.M.

(10:15 A.M. #1) CLOSED SESSION:

(A) CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATIONS:

1. FIRE MANAGEMENT LOCAL 753 (IAFF)
2. FRESNO CITY EMPLOYEES' ASSOCIATION (FCEA) - COUNCILMEMBER DAGES

(B) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAME: A.H.D.C. V. CITY OF FRESNO, ET AL.

The City Council met in closed session in Room 2125 at the hour of 2:10 p.m. to consider the above issues and reconvened in regular open session at 3:29 p.m.

- - - -

(2:00 P.M.) CONTESTED CONSENT CALENDAR ITEMS:

(1-I) RESTATE AND AMEND THE CITY'S CURRENT IRS SECTION 125 PLAN TO INCLUDE PARTICIPATION IN THE PROGRAM BY CITY EMPLOYEES IN THE NON-SUPERVISORY BLUE COLLAR UNIT REPRESENTED BY INTERNATIONAL UNION OF OPERATING ENGINEERS, STATIONARY ENGINEERS, LOCAL 39, AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE FLEXIBLE BENEFITS PLAN

Personnel Services Director Gonzalez, City Attorney Montoy, and John Davis, Business Representative, Local 39, responded to questions of Acting President Castillo and/or clarified issues relative to whether the health system was whole to take in some employees who were not being covered, the concern that some employees were being dropped, at what point Local 39 would be allowed to come into Health & Welfare system, and Local 39's health plan.

On motion of Acting President Castillo, seconded by Councilmember Dages, duly carried, RESOLVED, the City's current IRS Section 125 Plan program restated and amended to include participation in the program by City employees in the Non-Supervisory Blue Collar Unit represented by International Union of Operation Engineers, Stationary Engineers, Local 39, and the City Manager authorized to execute the Flexible Benefits Plan, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

(1-M) RESOLUTION NO. 2003-289 - AUTHORIZING SUBMITTAL OF A \$1 MILLION CalHOME HOME BUYER MORTGAGE ASSISTANCE ACTIVITY PROGRAM GRANT APPLICATION TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, AND AUTHORIZE THE CITY MANAGER TO SIGN ALL NECESSARY DOCUMENTS AND AGREEMENTS TO IMPLEMENT THE GRANT, SUBJECT TO PRIOR APPROVAL BY THE CITY ATTORNEY'S OFFICE

President Boyajian stated the success of the rehabilitation program was due to the booklet and report on the program and questioned if the same could be done with this program emphasizing the public relations really helps, with Planning & Development Director Yovino stating it could.

On motion of President Boyajian, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled Resolution No. 2003-289 hereby adopted, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

142-94

9/16/03

(1-N) BILL NO. B-84 - ADDING ARTICLE 22 TO CHAPTER 2 TO THE FRESNO MUNICIPAL CODE RELATING TO CAMPAIGN CONTRIBUTION LIMITS FOR CANDIDATES FOR ELECTIVE CITY OFFICE

Councilmember Duncan stated this ordinance should have been made very public and discussed and not placed on the consent calendar, and questioned if the difference between this ordinance and the last one was an increase in contributions of an individual, **(5 - 0)** if the contribution amount of a Small Contributor Committee was \$6,400, if the ordinance provided for the ability of a political party to donate unlimited amounts of money to a non-partisan campaign, who the enforcement authority would be if the ordinance is approved, and if disclosing expenditures was not included in this ordinance, with City Attorney Montoy responding. Councilmember Duncan stated staff did a good job on this ordinance given the direction that was given but stated this was a terrible ordinance, it would create a lot of problems for Council, and he would not support it.

On motion of Acting President Castillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Bill No. B-84 introduced before the Council and laid over, by the following vote:

Ayes : Calhoun, Castillo, Dages, Perea, Sterling
Noes : Duncan, Boyajian
Absent : None

- - - -

(2:15 P.M.) STUDY SESSION TO DISCUSS AND REQUEST DIRECTION FOR ACCOUNTING FOR PUBLIC WORKS PROJECTS - PRESIDENT BOYAJIAN

Public Works Director Ruiz, Assistant P.W. Director/Streets Manager Dille, Streets M.A. Adams, and Fleet Manager Hunt gave an overview of the issue, explained how the Street Maintenance Program worked, how the Streets Division financially accounts for all their projects, and reviewed fleet services and costs. Mr. Ruiz concluded stating accountability was absolutely critical and Streets' work was of high quality.

Council members commended staff for their excellent work and presented questions relative to whether staff could provide the actual cost of work for a certain location, if public works was working on a comprehensive plan for neighborhood projects, if there was a possibility staff could work on more individual/specialized areas, and what could be done with the problem of standing water.

Speaking to the issue were: John Davis, Stationary Engineers, Local 39, representing Fleet and Street Maintenance bargaining units, who stated they would continue to work in the cooperative spirit; Barbara Hunt, 2475 S. Walnut, who expressed various concerns; David Jones, Regional Manager, Associated General Contractors, 1951 N. Gateway, who commended staff on the presentation and stated he hoped they could work with public works and continue accountability; Cathryn Hilliard, Executive Director, Construction Industry Force Account Council (CIFAC), who asked if Council was interested in the private sector making a similar presentation and requested Council keep an open mind on adopting an accountability ordinance; and Clayton Smith, 6654 N. Third, Branch Manager, Local Associated Builders & Contractors, who expressed frustration with attempts to see accounting records and records received being encoded documents that can not be defined **(6 - 0)**.

Mr. Dille responded to questions of Acting President Castillo to what the difficulty would be in showing numbers to the private sector and then showing the City their numbers for comparison purposes, if a mechanism was in place to compare costs, if special concessions on equipment are shown on records, and various other questions on the program, timelines for project reports, the process, and costs. There was no further discussion.

- - - -

(3:45 P.M.) CONSIDERATION AND ACTION ON THE NEGOTIATED AGREEMENT WITH GLOBAL SPECTRUM CORPORATION FOR THE OPERATION AND MARKETING OF THE FRESNO CONVENTION CENTER FACILITIES

Assistant City Manager Souza gave a brief overview of the issue as contained in the staff report as submitted and recommended Council not approve the negotiated agreement.

142-95

9/16/03

City Attorney Montoy, City Manager Hobbs and Mr. Souza clarified issues and/or responded to questions/comments of President Boyajian and Acting President Castillo relative to whether a deal could be made with Global, if the agreement being presented was what Council directed, the four corners and what was negotiated, the non-competition issue that arose, the incentive fee, Acting President Castillo stating it was very unfortunate that after all the negotiations and agreement staff was recommending against Global, if Global was not providing what was asked for, and if this agreement was not the best deal for the city, with Ms. Montoy stating this was a Council policy call.

Speaking to the issue were: Fank Russo, Senior Vice President, Global, who stated the agreement was negotiated in good faith and it was the best deal for the city; Barbara Hunt, 2475 S. Walnut, support for staff's recommendation; and Doug Jensen, representing SMG, 5260 N. Palm #421, opposed to the agreement with Global.

Assistant City Attorney Hale responded to questions of Acting President Castillo relative to whether the tax problem would have been an issues with either company, if SMG was talking about a different situation, and if the city's bond counsel was in agreement with the agreement structure. Acting President Castillo spoke in support of approving the negotiated agreement, emphasized how willing Global was during negotiations to work on and meet performance measures, stressed the agreement was very stringent should Global fail, and expressed concern with staff's recommendation stating it was a capricious act **(7 - 0)** because their choice was SMG and with the fact that his memo to Council explaining how the agreement would work was not included in the staff report and distributed his memo to Council. A motion and second to approve and sign the agreement this date was made and acted upon after additional lengthy discussion.

Councilmember Calhoun stated the original report and recommendation from staff was exceptional, stated Fresno was not big enough for two competing companies and SMG would be an excellent fit, and stated he would not support the motion. Councilmember Perea questioned if the non-competitive clause was put in the contract at Deputy Mayor Montero's request and if that clause would have been put in with SMG, with Mr. Montero responding. Councilmember Perea stated there was a good compromise here and explained and urged Council to move forward and approve the agreement. At Mr. Souza's request, Mr. Hale spoke to whether an annual revocation clause in the contract with either company would have met the provisions of IRS Regulation 97-13. Mr. Souza refuted Acting President Castillo's comments and clarified staff's responsibility was to provide Council with their best recommendation which they had done, and stated the better company was SMG. Councilmember Dages stated he felt there may be a need to move in another direction, noted the Convention Center was built to bring dollars in -- not make money, and spoke to the events that were lost and stated he did not feel comfortable with this agreement. Councilmember Sterling spoke in support of Global stating they tried to meet every challenge that was put before them, relative to the IRS regulation clarified Global said they would do what was right to make the agreement work and they were still trying to work with the IRS, and spoke to why she supported outsourcing and stated she was suspect of staff's motive noting Council was still hearing testimony this date from SMG which should not even be a part of today's issue. Mr. Hale, Ms. Montoy and Mr. Hobbs responded to questions of President Boyajian relative to whether this agreement would implement Council direction of June 19th, if all the terms had been met, if changing to another company was an option, if this agreement was the essence of June 19th direction, and if this agreement was materially different, with Mr. Hobbs stating it was staff's opinion it was and Ms. Montoy stating it was not materially different--only different enough to be brought back to Council.

On motion of Acting President Castillo, seconded by Councilmember Sterling, duly carried, RESOLVED, the negotiated agreement with Global Spectrum hereby approved, by the following vote:

Ayes :	Castillo, Perea, Sterling, Boyajian
Noes :	Calhoun, Dages, Duncan
Absent :	None

- - - -

(4:30 P.M.) CONSIDERATION AND ACTION ON COUNCIL RELATIONS MATTERS - PRESIDENT BOYAJIAN

- a. RESOLUTION NO. 2003-290 - ESTABLISHING A POLICY THAT COUNCIL MEMBERS CONDUCT THEMSELVES WITH DUE REGARD, FAIRNESS AND RESPECT FOR THE RIGHTS AND BACKGROUNDS OF ALL CITY RESIDENTS AND THE PUBLIC**
- b. RESOLUTION - EXPRESSING DISAPPROVAL OF CERTAIN E-MAIL COMMENTS (NOT ADOPTED)**
- c. AUTHORIZING THE COUNCIL PRESIDENT TO ARRANGE FOR A FORUM (EG., WORKSHOP, TRAINING) TO ASSIST THE COUNCIL ON EFFECTIVE LEADERSHIP AND COLLABORATION**
- d. DIRECT THE CITY ATTORNEY TO DRAFT A CODE OF CONDUCT**

President Boyajian noted the e-mail issue upset the community and had passed but he felt the matter needed to be addressed or the community might feel Council condoned the issue, stated this was a negative issue, there was a demand to address it, and his intent was not to have the matter linger on or hurt anyone, and reviewed his proposals outlined above stating this would hopefully accomplish healing.

142-96

9/16/03

Speakers were asked to limit their comments to the four proposals listed above. Speaking in support and/or opposition to the proposals, and/or to other related issues, and/or expressing concerns were: Eugenie Baranoff, 8642 N. Cedar #101; Kelly Borkert, 5668 N. Millbrook; Rebecca Rangel, 130 E. Harvard; Vincent Lavery, 2004 S. Willow; Peter Salerno, 333 Kern St., Kingsburg; Matilda Rangel, 3701 E. McKenzie, Central California Criminal Justice Committee Member; Diane Scott, 4843 N. Thesta; Barbara Hunt, 2475 S. Walnut; Don Bowen, 342 W. South Street; **(8 - 0)** Ellie Buestein, 4414 E. Alamos; Enrique Reade, Human Relations Commission (HRC) Member; Debbie Reyes, HRC; Chuck Krugman, 1530 E. Vassar; Richard Morgan, P.O. Box 11264; and Susan Bechara, P.O. Box 6230.

Councilmember Calhoun spoke at length directing his comments to President Boyajian; expressed strong concern stating President Boyajian was impugning his integrity and the integrity of his assistant; read a portion of a book presented to him entitled "Leadership Prayers" relative to leadership and integrity; stated he resented the personal ad hominem attack on himself and his assistant specifically as outlined in resolution "b" above; stated this was political grandstanding and questioned where the proof of prejudices named in the resolution was; stressed this proposed action was illegal and unprofessional; noted he had never been censured in his entire political experience and spoke to his assistant's community involvement and activities; advised he did address the e-mail issue but he did not feel he had to tell President Boyajian about his action or respond to the Fresno Bee or Channel 30; expressed concern that the issue was handled behind his back; presented specific questions at length to President Boyajian, City Attorney Montoy, Acting President Castillo and City Manager Hobbs; read the Administrative Order on e-mails into the record and questioned why there were two conflicting policies on the release of e-mails; reiterated he would not let President Boyajian impugn his or his assistant's integrity or accuse him of unlawful prejudice or bias and stated if resolution "b" is adopted he would file a complaint against the City of Fresno and he would prevail and he would also give very serious consideration to resigning as the elected member representing District 2; and asked President Boyajian to withdraw resolution "b" and to not force him to do something that everyone would regret.

Councilmember Perea noted President Boyajian put a lot of work into the issue and he would support the proposed actions; stated although he hoped these actions would put an end to the issue he did not think they would as the Fresno Bee and Channel 30 were requesting additional e-mails; stressed Council needed to get rid of "this silliness" as there were very serious issues in the community that Council members needed to work on; and stated Fresno had an image problem and explained and again stated he hoped Council could put this issue behind them.

Ms. Montoy advised Councilmember Calhoun submitted a list of his questions to her yesterday and she provided a written response to him as well as to Council and the city manager, and entered her written responses into the record.

(9 - 0) Councilmember Dages stated this was an embarrassment to the city; apologized to the citizens of Fresno because he felt the resolutions were wrong and stated he would not support them; stated the e-mail issue had gone on long enough and it seemed like it was more important than all the other business Council conducts; acknowledged the e-mails may have been sent immaturely, foolishly or with hate from the heart but he felt that was not for him to decide; noted Councilmember Duncan apologized to him for what was said about him and he accepted the apology; and stated he tried to remove the item from the agenda earlier, expressed concern with the processes going on, questioned why this issue was taking precedence over everything else, stated he shared Councilmember Calhoun's frustration and anger and he did not blame him, and stressed everyone needed to re-evaluate their positions and he would not be a part of this.

Councilmember Sterling stated she tried not to speak to the issue as she had hoped it would eventually go away; advised she was very hurt and offended by the e-mails about her when she first read them and elaborated and had been naive to think she would become one of the group when elected and elaborated; spoke to the HRC being the watchdog of the community and them being ridiculed because they

were not on this side or that side or because of personal agendas or feelings; advised she wanted to lash out and say things at first but realized that was not the right thing to do and stated she supported sensitivity training; and stated she was willing to try to help mend the fences by re-wording or removing some of the language in resolution “b” that Councilmember Calhoun had concerns with adding she hoped the intent of the e-mails on her were not based on her race, ethnic background, sexual orientation, cultural differences, political party or religion.

Acting President Castillo stated, for those that did not know, Council members were referred to in the e-mails as dumb, dumb-ass, cowards, the dark side, stupid, and morons; stated it was very easy to get upset and lash out when called those names especially when you are a leader in the community but stated he would take the high road and not respond; stated as an elected official he, and not his council district and residents, held himself to a higher standard; and concluded stating when he found out additional e-mails were being requested his response was “bring it on, I have nothing to hide.”

142-97

9/16/03

President Boyajian responded at length to some of Councilmember Calhoun’s comments and questions; asked Council to quit blaming everyone stressing this was something that was not easy to do; relative to the e-mails stated he took the source was not really offended; stressed the most important thing he as Council President could do was not disconnect the people of the community emphasizing a lot of people in the community were upset and their pain needed to be recognized; clarified this issue was not about himself or Councilmember Calhoun, who he stated was making this a personal vendetta, but was about the community; stressed scheduling these actions was not intended to make this issue linger but he strongly felt Council had to act; and stated everyone needed to work together and collaborate and engage in sensitivity training stressing Council’s first obligation was to the people of the city.

Councilmember Duncan stated he thought very carefully about what he would say and it was not easy to find the words that would have the same meaning to everyone; noted regardless of what he was going to say or what his intent was people were going to interpret his words the way they wanted to; stated he was speaking from his heart and he had no idea people would react the way they did to a private 14-word e-mail that was sent three months ago; stated he was truly sorry to anyone who may have felt harmed by his private words written to his staff and he hoped reasonable people would see there was never any intent or real seriousness in his comments and that he would never want to hurt anyone; apologized to Council for any concern or discomfort he caused and stated he hoped everyone could finally move on to the major issues facing the city and elaborated; emphasized to everyone the occurrences over the last month had a dramatic effect on how he would be conducting himself in the future; relative to the proposed actions stated he supported items “a”, “c” and “d” but cautioned Council on item “b” stating the resolution would divide Council, set precedence, and Council may end up regretting it one day as it was very personal and very unnecessary; added if the intent of resolution “b” was for Council to share their disapproval of the e-mails he sent he got that message loud and clear, and made a motion to approve items “a”, “c” and “d”.

On motion of Councilmember Duncan, seconded by President Boyajian, duly carried, RESOLVED, the above entitled Resolution No. 2003-290 (Item “a”) hereby adopted; the Council President to arrange for a forum/workshop/training to assist Council on effective leadership and collaboration; and the City Attorney directed to draft a Council Code of Conduct, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

A motion and second was made to adopt resolution “b” and brief discussion ensued on whether language was going to be amended or removed as mentioned by Councilmember Sterling. Councilmember Calhoun clarified by approving the resolution the three names would be associated with the very negative wording.

A motion of President Boyajian, seconded by Councilmember Perea, to adopt the Resolution “b” expressing disapproval of certain e-mail comments failed, by the following vote:

Ayes	:	Castillo, Perea, Boyajian
Noes	:	Calhoun, Dages, Duncan, Sterling
Absent	:	None

- - - -

(2-A) AWARD A CONTRACT TO JEFFREY/SCOTT ADVERTISING (JSA) OF FRESNO FOR PROFESSIONAL PUBLIC INFORMATION SERVICES FOR THE DEPARTMENT OF PUBLIC UTILITIES (REBID)

A motion and second was made to approve staff's recommendation.

General Services Manager Nerland reviewed the issue as contained in the staff report as submitted.

Speaking to the issue were: Mark Astone, Panagraph, opposed to staff's recommendation; John Ostlund, President, JSA, support for staff's recommendation; Jim Meinert, St. Agnes Foundation, support for Panagraph; Thomas Ellis, Professor of Theater Arts, CSUF, President, Africa-American Museum, support for Panagraph, and Bruce Batti, 6466 N. Lafayette, JSA Vice President, support for staff's recommendation **(10 - 0)**.

142-98

9/16/03

Councilmember Calhoun stated this was an extremely difficult issue for him, he had not seen anything to help him choose either company, spoke briefly to the earlier flawed RFP and remarks he made that he wished he could take back, stated he wished this issue could be split in half as he had real problems voting one way or another, and stated his discomfort with the process and advised he would abstain in the vote (and subsequently changed his mind).

Assistant Public Utilities Director Weimiller, Airports Project Manager/Committee Member Scott, City Manager Hobbs and City Attorney Montoy responded to questions/comments/concerns of Councilmember Dages relative to how long Panagraph had worked for the City, how long JSA had been doing business with the City, if the committee considered Panagraph's 10 years of service to the City, Mr. Hobbs clarifying how the committee looked for a tie-breaker and why JSA was the committee's choice, Councilmember Dages stating loyalty should be given some consideration and none was being given here, continued questioning on how long it would take staff to orientate JSA to public utilities' needs, cost for the annual contract, if staff had problems with Panagraph in the past, if the six months it would take to get JSA up and running was taken into consideration, concern with switching companies after 10 years of loyal service for slight price difference and six months to orientate a new company, and if there was a conflict with JSA representing some council members. Councilmember Duncan concurred this was a tough choice as both companies were equally capable, spoke briefly to the real challenges in the public utilities area and stated Council needed to weigh-in the experience factor now more than ever, and stated he would support Panagraph.

Mr. Nerland and Mr. Astone responded to questions of Councilmember Sterling relative to why Panagraph came into consideration again, if Panagraph's role in the city's advertising needs was a factor in choosing JSA, if the price difference was a factor, and what the absolute consideration was in choosing another company over one with 10 years of service to the city. Acting President Castillo stated he wanted to insure the City does not send the message to anyone willing to do business with the City that if you don't have a long-standing relationship it will go against you, spoke to importance of saving taxpayer money and stated staff's recommendation to award to the lowest bidder was the fair thing to do, and stated the RFP was previously rejected for obvious reasons (flawed process) and stressed this time the process was fair all around and added everyone should have an equal opportunity to submit a proposal and have just as much chance as getting the contract as anyone else. Councilmember Calhoun stated after hearing testimony he was now comfortable to vote. Mr. Nerland and a JSA representative responded to questions of President Boyajian relative to whether Panagraph's value added/free services reference sheet was considered and if JSA had any value added.

On motion of Acting President Castillo, seconded by Councilmember Perea, duly carried, **RESOLVED**, a one-year contract with an option of two (2) one-year extensions hereby awarded to Jeffrey/Scott Advertising of Fresno in the amount of \$271,800 to provide professional public information services for the Department of Public Utilities, by the following vote:

Ayes	:	Castillo, Perea, Sterling, Boyajian
Noes	:	Calhoun, Dages, Duncan
Absent	:	None

- - - -

(3-C) DIRECT CITY ATTORNEY AND STAFF TO DEVELOP AND RETURN FOR APPROVAL THE NECESSARY DOCUMENTS TO IMPLEMENT THE FOLLOWING TWO NEIGHBORHOOD PROTECTION ACTIONS - COUNCILMEMBER DUNCAN

1. TEMPLATE PROGRAM FOR AN INFRASTRUCTURE MAINTENANCE DISTRICT (IMD)
2. TEMPLATE PROGRAM FOR AN INFRASTRUCTURE MAINTENANCE DISTRICT (IMD) FOR EXISTING NEIGHBORHOODS

Laid over two weeks at the direction of Councilmember Duncan.

- - - -

(3-D) REVISIT OPTIONS ESTABLISHING A CITY-WIDE POLICY FOR THE CLOSURE OF CITY ALLEYS RELATING TO ITEM 5B DATED 12/17/02 - COUNCILMEMBER PEREA

Laid over two weeks at the direction of Councilmember Perea.

- - - -

142-99

9/16/03

(2-B) STATUS REPORT ON REVISIONS TO THE RUNNING HORSE PROJECT SCOPE AND EXTENSION OF DEADLINE FOR INFORMATION SUBMITTAL TO OCTOBER 31, 2003

-AND-

(3-A) STATUS REPORT ON THE RUNNING HORSE PROJECT - ACTING PRESIDENT CASTILLO

Planning & Development Director Yovino advised very constructive meetings had occurred, the project was now evolving into a larger project that would focus more around the new veterans' home site and advised the golf course was now changing from a public/private course to a municipal course, stressed staff wanted to do all it could to make this a successful project and also minimize the City's risk or exposure, advised a lot of the information requested from the developer had been submitted but more feasibility and project design information was needed, and requested the deadline be extended to October 31, 2003.

Scott Webb, Running Horse, clarified the reason for the extension request was they were now encompassing additional land and they entered into a civil engineering contract to map out the new golf course, and advised the project was now for 700 homes/lots compared to the original 340.

Councilmember Dages spoke to his frustration with extension after extension and his concern with the \$24 million bond for the golf course, and stated he would support one more extension as the project was great but the developer needed to either do the project or not. Mr. Yovino advised reducing the bond from \$24 million to \$14 or \$15 million was one of the things they were trying to do with the extension and stated because of that staff felt the extension was worth it. Councilmember Duncan made a motion to approve the extension, advised the Running Horse golf course would ultimately be a replacement for two city golf courses that would be developed into a prime industrial area near the airport in the future, and stated he was pleased with the direction and emphasized having a high quality golf course in southwest Fresno was good especially for the people of southwest Fresno and for the young people to get involved in a high quality sport. Acting President Castillo also spoke in support of the extension, stated although he had been critical of the project in the past he felt everyone was on the right path, and noted the give and take would probably be the closing of Airways golf course and added he would not close Airways until another golf course was built. Councilmember Sterling spoke in support of the motion; stated she was pleased to hear the bond amount may go down, the golf course could become a municipal golf course, and there was an increase in number and types of homes; and asked Council to be considerate of this project as they have been with other projects as District 3 needed this and the veterans home.

City Attorney Montoy advised the exclusive negotiated agreement (ENA) had been amended once and this extension would be the second extension to the ENA. President Boyajian stated his hope was for everything to work out and for this project to become a reality with dirt being moved next year.

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, **RESOLVED**, the second amendment to the Exclusive Negotiating Agreement (ENA) with Running Horse extending the deadline for additional information from September 15, 2003, to October 31, 2003, hereby approved, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian

Noes : None
Absent : None

- - - -

(2-C) BILL NO. B-83 - ORDINANCE NO. 2003-83 - AMENDING THE FRESNO MUNICIPAL CODE TO ALLOW FOR FREE PARKING AT PARKING METERS AND SELECT CITY-OWNED PARKING FACILITIES FOR QUALIFIED LOW EMISSION VEHICLES (LEVs)

A motion and second was made to adopt the ordinance.

Councilmember Calhoun stated he opposed the ordinance for the all the reasons he stated on August 26th when the ordinance was introduced.

On motion of Councilmember Perea, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled Bill No. B-83 adopted as Ordinance No. 2003-83, by the following vote:

142-100

9/16/03

Ayes : Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : Calhoun
Absent : None

- - - -

(3-B) UPDATE AND DIRECTION AS NEEDED ON THE MCMAHON BUILDING - COUNCILMEMBER CALHOUN

Councilmember Calhoun stated the building was an eyesore, noted a swap with the owner had been suggested for the City to demolish the building, and stated the City needed to continue to put heat on the owner and requested an update. Councilmember/Agency Chair Duncan and City Attorney Montoy advised active negotiations were occurring, a positive solution was expected in the very near future, Ms. Montoy spoke to the Order to Show Cause notice that was issued to the owner, and advised a resolution was expected through the development process or staff would proceed through code enforcement if that did not work out. There was no further discussion.

- - - -

(5-A) SCHEDULED PUBLIC COMMENT - APPEARANCE BY TROY JOWERS AND/OR WAYNE NORDYKE TO DISCUSS BEING CHARGED A DISPUTED FEE FROM CODE ENFORCEMENT

Not present when called.

- - - -

UNSCHEDULED COMMUNICATIONS:

APPEARANCE BY DAN GLASSON EXPRESSING CONCERN WITH A LETTER RECEIVED OUTLINING HIS OPTIONS FOR PROPERTY AT 3742 W. BULLARD AVENUE

Mr. Glasson expressed concern with “not getting anywhere” with staff and with the options he was given and said he was led astray, with President Boyajian and City Manager Hobbs responding.

*(*Note - The end of the discussion with Mr. Glasson through the end of the meeting, approximately four minutes, was not recorded due to tape malfunction)*

APPEARANCE BY DON BOWEN TO INFORM COUNCIL OF DEMOLITION MATERIALS BEING PROCESSED ILLEGALLY ON “O” AND “N” STREETS

Appearance made.

COLUMBIA SPACE SHUTTLE MEMORIAL - COUNCILMEMBER CALHOUN

Upon question of Councilmember Calhoun, City Manager Hobbs stated staff was involved in the project and he would provide a report on the issue.

- - - -

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 8:35 p.m. having arrived and hearing no objections, President Boyajian declared the meeting adjourned.

APPROVED on the ____23rd____ day of ____September____, 2003.

_____/s/_____
Tom Boyajian, Council President

ATTEST: _____/s/_____
Yolanda Salazar, Assistant City Clerk

142-101

9/16/03